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ISSUANCES

of the

Meat and Poultry Inspection Program

July 1975



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Washington, D.C. 20250

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CONTENT

The Issuances of the Meat and Poultry Inspection Program is a monthly publication containing selected CFR amendments, MPI bulletins, and MPI directives; changes to the Meat and Poultry Inspection Manual; and changes to the Meat and Poultry Inspection Regulations.

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Title 9—Animals and Animal Products
CHAPTER III—ANIMAL AND PLANT
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AND POULTRY PRODUCTS INSPEC-
TION), DEPARTMENT OF AGRICULTURE
SUBCHAPTER C—MANDATORY POULTRY
PRODUCTS INSPECTION
PART 381—POULTRY PRODUCTS
INSPECTION REGULATIONS

Termination of Designation of State of New
York Regarding Inspection of Poultry
Products

A representative of the Governor of the State of New York advised this Department that the State of New York would no longer be in a position to continue administering the State poultry inspection program after July 15, 1975, and requested the Department to assume the responsibility for carrying out the provisions of sections 1-4, 6-10, 12-22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary determined that in view of the proposed termination date for the New York program, New York was not effectively enforcing requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act, inasmuch as those requirements contemplate continuous ongoing programs.

Accordingly, on Friday, June 13, 1975, a notice was published in the *FEDERAL REGISTER* (40 FR 25202) designating the State of New York under section 5(c)(3) of the Poultry Products Inspection Act.

Since then a representative of the Governor has informed the Department that New York will now continue its poultry inspection program and requested that the designation of New York under section 5(c)(3) be terminated. The Secretary has now determined that since New York will continue its poultry inspection program, New York will enforce State poultry products inspection requirements at least equal to the requirements under sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act.

Therefore, the designation of the State of New York with respect to poultry and poultry products under section 5(c)(3) of the Act is hereby terminated.

Accordingly, § 381.221 of the poultry products inspection regulations (9 CFR 381.221) is hereby amended by deleting the reference to the State of New York and the effective date of application of Federal provisions of the State of New York.

This amendment of the poultry products inspection regulations is necessary to reflect the determination of the Secretary of Agriculture under section 5(c)(3) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

(Secs. 5(c), 14, 71 Stat. 441, as amended, (21 U.S.C. 454(c), 463); 37 FR 28464, 28477)

These amendments and the notice given hereby shall become effective July 16, 1975.

Done at Washington, D.C., on July 10, 1975.

F. J. FULLERTON,
Acting Administrator, Animal and
Plant Health Inspection Service.

[FR Doc.75-18316 Filed 7-11-75; 10:26 am]



UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D.C. 20250



MEAT AND POULTRY INSPECTION MANUAL

CHANGE: 75-7

Maintenance Instructions

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Pen-and-Ink Changes

Page 202, section 20.13 (d)(1), line 27, change "1133" to "1123."

Page 192, section 20.11, line 2, change "daily" to "weekly."

dressed poultry chilled before evisceration.

(2) Scar tissue. Healed lesions are considered wholesome. However, excessive scar tissue is objectionable to consumers and should be removed and condemned.

(3) Skin sewing. Sewing skin tears in torn or trimmed areas is permissible, provided it is sanitary and a tag, attached to the thread, clearly reads: "Skin Separations Caused by Tears or Removal of Tissue Sewed Together With White Cotton Thread. Remove Tag Before Cooking; Remove Thread Before Serving." Such tag shall be approved by STS-LP.

Only clean needles (4 inches or longer) and clean thread shall be used. The inspector shall assure that all needles are accounted for at end of operations.

(k) Breast Muscle Atrophy

Atrophied turkey breast (green atrophy, green breast, green muscle degeneration) is known to often be a breeding flock problem. Detection of early stage is difficult on routine post-mortem examination. The congestion created at the post-mortem station by the incidence indicative of flock involvement makes sanitary trimming difficult and seriously impedes processing. The procedures outlined below respond to these problems.

1. When the inspector in charge determines that incidence is sufficiently high to indicate a flock problem, entire flock shall be retained pending completion of item 3.

2. Retained lot will be processed in the normal manner except that trimming related to "atrophied turkey breast" need not be conducted at the inspection station. Other required trimming must be conducted without regard to this exception.

3. Control of retained lot must be maintained until it is "raw deboned" in facilities approved for raw deboning

Change 75-7

operations, or until post-mortem inspection is completed after chilling and in suitable facilities by bilaterally slashing each turkey breast and conducting necessary trimming. Either operation must be conducted under direct supervision of an MPI inspector.

Shipments of retained product (product not treated as in item 3) may be made only under official seal. Receiving inspector is responsible for assuring that further processing is conducted only as permitted by these instructions.

NOTE: Since the telltale breast concavity is more apparent during two-point suspension of the carcass and breast muscle can also be more readily exposed at this point, the first sign of involvement should prompt an examination for incidence at a location on the line where such suspension is practiced.

* * *

*

(m) Melanosis

Carcasses with small skin melanin deposits may be passed. Large deposits require removal and condemnation of affected tissues.

Certain breeds--Barred Plymouth Rock Chickens, Bronze Turkeys, etc.--normally show large melanin amounts in skin, shanks, etc. Small melanin deposits in the skin may give a greenish cast that should not be mistaken for "green struck" (decomposition).

Melanin may accumulate in certain tissues with age (guineas). Dark pigmentation of connective tissue and periosteum of cervical and thoracic vertebrae, and ribs is frequently observed in some bronze turkeys. If exposed to sun, some "bare back" turkeys may develop "blue backs," a condition similar to tanning of human skin that should not be considered pathologic.

(n) Parasites

Yellowish calcareous nodules in the subcutaneous tissue are parasitic lesions of a mite (*Laminosioptes cysticola*), occasionally seen in all poultry classes.

Carcasses may be passed after complete skinning and removal of affected tissues.

(o) Cadaver

Poultry dead from causes other than slaughter are "cadavers." Improper slaughter cuts, inadequate bleeding time, etc., may result in birds entering the scald water with insufficient bleeding or while still breathing (drowning).

Cadavers show: light red to deep cherry red skin, enlarged visceral blood vessels, congested heart, liver, and spleen.

Cadavers must be condemned and recorded on Form MP 514.

Note: Ducks - The slight visceral congestion in waterfowl is considered a physiologic variation, not to be used as indication of cadaver.

(p) Decomposition

It may be characterized by dull-gray to green struck appearance; slimy, sticky tissues; stale, musty, sour, or putrid odor. Washing to remove such odor is unacceptable.

Carcass disposition shall be as required by regulations (381.93).

Rancid fat. When the normal fat color is changed from bright yellow to white, and the odor is fruity, stale, or musty, fat shall be condemned.

(q) Emaciation

Carcasses with emaciation shall be condemned and recorded under septicemia and toxemia. Mere leanness should not be confused with emaciation.

(r) Tuberculosis

Specimens from young poultry suspected of tuberculosis shall be sent to the Microbiology Laboratory, P.O. Box 348, Beltsville, Maryland 20705.

Change 75-4

(s) Septicemia, Toxemia

They are generalized conditions, characterized by cyanosis, hyperemia, anemia, edema, dehydration, etc., and/or localized inflammatory lesions. Individually these signs may be the result of localized conditions, not always justifying carcass condemnation.

Fat discoloration on the heart's coronary band and thigh's anterior edge may indicate septicemia when associated with other pathologic lesions. Such discoloration may vary from pale red to brownish red.

Various degrees of fat discoloration, frequently observed in healthy roosters or tom turkeys, are considered physiologic.

(t) Synovitis

Inflammation of synovial membranes, caused by injury, nutritional deficiency and/or micro-organisms. Synovitis may involve one or all synovial membranes and adjacent tissues, and may be associated with lesions in one or more organs. *

Swollen joints from mechanically impaired circulation should not be confused with synovitis. *

Carcasses with localized synovitis may be passed for food after removal of affected tissues; those with systemic change shall be condemned.

(u) Airsacculitis

Inflammation of air sacs resulting in formation of an exudate which may be seen in the air sacs and their diverticuli or in other areas if the air sac membrane is ruptured. *

* * *

(1) Disposition criteria.

a. Carcasses showing airsacculitis with evidence of systemic changes require condemnation of the carcass and its parts. *

b. If the exudate in the air sac is so extensive or of such a consistency that preparation of a wholesome *



UNITED STATES DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Program
Washington, D. C. 20250



MEAT AND POULTRY INSPECTION REGULATIONS

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TITLE 9 - ANIMALS AND ANIMAL PRODUCTS

CHAPTER III - ANIMAL AND PLANT HEALTH INSPECTION SERVICE
(MEAT AND POULTRY INSPECTION)

DEPARTMENT OF AGRICULTURE

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(g) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and livestock pens.

(h) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as are prescribed by the regulations in this part or by the circuit supervisor in specific cases. The use of insecticides, rodenticides, and similar pest control substances in hide cellars, inedible product departments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the Administrator may be used.¹ So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

(i) Dogs and cats shall be excluded from the interior of official establishments; however, dogs may be permitted on the outer premises for guard purposes.

§ 308.4 Sanitary facilities and accommodations; specific requirements.

Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these, the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with facilities to provide abundant light of good quality and well distributed. They shall be properly ventilated, and meet all requirements of the regulations in this part as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Acceptable lavatories, including running hot and cold water, soap, and towels, shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling any product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the building and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(d) Properly located facilities shall be provided for cleansing and disinfecting utensils and hands of all persons handling any product.

§ 308.5 Equipment and utensils to be easily cleaned; those for inedible products
* to be so marked; evaluation of equipment and utensils. *

* (a) Equipment and utensils used for preparing or otherwise handling any *
*edible product or ingredient thereof in any official establishment shall be of *

¹ A list of approved pest control substances is available upon request to Scientific Services, Meat and Poultry Inspection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

* such material and construction as, in the judgment of the Administrator, will *
* facilitate their thorough cleaning and insure cleanliness in the preparation *
* and handling of all edible products and otherwise avoid adulteration and *
* misbranding of such products. In addition to these requirements, equipment and *
* utensils shall not in any way interfere with or impede inspection procedures. *
* Receptacles used for handling inedible material shall be of such material and *
* construction that, in the judgment of the Administrator, their use will not *
* result in adulteration of any edible product or in insanitary conditions at the *
* establishment, and they shall bear conspicuous and distinctive marking to *
* identify them as only for such use and shall not be used for handling any *
* edible products. *

* (b) When equipment or utensils for use in preparing or handling product *
* are proposed for use in an official establishment, the operator of the estab- *
* lishment shall so notify the Administrator, and thereafter shall submit to the *
* Administrator such information as the Administrator specifies in each case as *
* necessary to determine whether the equipment or utensils meet the criteria *
* specified in paragraph (a) of this section. The required information shall *
* include, but may not be limited to, assembly type drawings and a list showing *
* the materials of which parts are made. The Administrator will evaluate the *
* model of equipment or utensil and determine whether it is acceptable for its *
* proposed use under the criteria set forth in paragraph (a) of this section. *

* (c) The Administrator will, from time to time, prepare a listing by name *
* and model number of equipment and utensils that have been evaluated and found *
* to be acceptable for their proposed use in accordance with this section. A *
* copy of such listing can be obtained from Technical Services, Meat and Poultry *
* Inspection Program, Animal and Plant Health Inspection Service, U.S. Department *
* of Agriculture, Washington, D.C. 20250. *

* (d) The Administrator may disapprove for use in official establishments *
* particular models of equipment or utensils that he finds do not meet the *
* requirements of paragraph (a) of this section or that he cannot evaluate *
* because of lack of sufficient information. Further, he may prescribe such *
* conditions for the use of particular models of equipment or utensils, either on *
* a trial or permanent basis, as he finds necessary to prevent adulteration or *
* misbranding of product. *

* (e) Nothing in this section shall affect the authority of Program inspec- *
* tors to reject specific equipment or utensils under § 308.15 of the regulations *
* in this subchapter. *

* (f) Before approval of any model or specific item of equipment or utensil *
* is finally denied, or is granted only with conditions, the applicant shall be *
* given notice and opportunity to present his views to the Administrator. If the *
* applicant does not accept the Administrator's determination, a hearing before *
* the Administrator will be held to resolve such dispute. This shall not pre- *
* clude rejection of the equipment or utensils under § 308.15 or this section *
* pending the outcome of the presentation of views or hearing. *

§ 308.6 Scabbards for knives.

Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at official establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean.

§ 308.7 Rooms, compartments, etc., to be clean and sanitary.

Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where any product is prepared, stored, or otherwise handled.

§ 308.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.

(a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which livestock are slaughtered or any product is prepared shall be kept sufficiently free of steam and vapors to enable Program employees to make inspections and to insure clean operations. The walls, ceilings, and overhead structure of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture to prevent dripping and contamination of product.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed with hot water having a minimum temperature of 180° F. or in a disinfectant¹ approved by the Administrator, followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

¹ A list of approved disinfectants is available upon request to Scientific Services, Meat and Poultry Inspection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

permission should be obtained from the nearest Veterinary Services unit of the Animal and Plant Health Inspection Service prior to release of such livestock.

(l) Livestock previously condemned for listeriosis, if released for slaughter under § 309.13(b) shall be identified as a U.S. Suspect in accordance with § 309.13(c).

(m) Each animal required by this part to be treated as a U.S. Suspect shall be identified as such by or under the supervision of a Program employee with an official device in accordance with § 309.18. No such device shall be removed except by a Program employee.

(n) Each animal identified as a U.S. Suspect on ante-mortem inspection shall be set apart and shall be slaughtered separately from other livestock at that establishment unless disposed of as otherwise provided in this part.

(o) Each animal identified as a U.S. Suspect on ante-mortem inspection, when presented for slaughter shall be accompanied with a form MP 402-2 on which the inspector at the establishment shall record the U.S. Suspect identification number and any other identifying tag numbers present and a brief description of the animal and of the disease or condition for which the animal was classed as a suspect, including its temperature when the temperature of such animal might have a bearing on the disposition of the carcass on post-mortem inspection.

(p) When any animal identified as a U.S. Suspect is released for any purpose or reason, as provided in this part, the official identification device shall be removed only by a Program employee and he shall report his action to the area supervisor. When a suspect is to be released under the provisions of this part for a purpose other than slaughter, the operator of the official establishment or the owner of the animal shall first obtain permission for the removal of such animal from the local, State or Federal livestock sanitary official having jurisdiction.

§ 309.3 Dead, dying, disabled, or diseased and similar livestock.

(a) Livestock found to be dead or in a dying condition on the premises of an official establishment shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) Livestock plainly showing on ante-mortem inspection any disease or condition that, under Part 311 of this subchapter, would cause condemnation of their carcasses on post-mortem inspection shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(c) Any swine having a temperature of 106° F. or higher and any cattle, sheep, goats, horses, mules, or other equines having a temperature of 105° F. or higher shall be identified as U.S. Condemned. In case of doubt as to the cause of the high temperature, or when for other reasons a Program employee deems such action warranted, any such livestock may be held for a reasonable time under the supervision of a Program employee for further observation and taking of temperature before final disposition of such livestock is determined. Any livestock so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or when not held for further observation and taking of temperature, then on the original inspection, the animal has a temperature of 106° F. or higher in the case of swine, or 105° F. or higher in the case of other livestock, it shall be condemned and disposed of in accordance with § 309.13.

(d) Any livestock found in a comatose or semicomatose condition or affected with any condition not otherwise covered in this part, which would preclude release of the animal for slaughter for human food, shall be identified "U.S. Condemned" and disposed of in accordance with § 309.13, except that such animal may be set apart and held for further observation or treatment under supervision of a Program employee or other official designated by the area supervisor and for final disposition in accordance with this part.

§ 309.4 Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases.

(a) All livestock showing, on ante-mortem inspection, symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, transport tetany, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness or extensive fistula shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) If any equine is suspected on ante-mortem inspection of being infected with glanders or dourine, the nearest Veterinary Services unit of the Animal and Plant Health Inspection Service shall be so informed by a Program employee. Tests shall be performed by said unit to determine whether the animal is, in fact, infected with such disease. If it is found on such tests to be infected, the animal shall be disposed of in accordance with paragraph (a) of this section. Otherwise, the animal shall be identified as a U.S. Suspect and disposed of as provided in § 311.10 of this subchapter.

§ 309.5 Swine; disposal because of hog cholera.

* (a) All swine found by an inspector to be affected with hog cholera shall *
* be identified as U.S. Condemned and disposed of in accordance with § 309.13. *
* Immediate notification shall be given by the inspector to the official in the *
* Veterinary Services unit of the Animal and Plant Health Inspection Service who *
* has responsibility for the control of swine diseases in the State where the *
* swine are located. *

* (b) All swine, even though not themselves identified as U.S. Suspects, *
* which are of lots in which one or more animals have been condemned or *
* identified as U.S. Suspect for hog cholera, shall, as far as possible, be *
* slaughtered separately and apart from all other livestock passed on ante-mortem *
* inspection. *

§ 309.6 Epithelioma of the eye.

Any animal found on ante-mortem inspection to be affected with epithelioma of the eye and the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.7 Livestock affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.

(a) Any livestock found on ante-mortem inspection to be affected with anthrax shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) No other livestock of a lot in which anthrax is found on ante-mortem inspection shall be slaughtered and presented for post-mortem inspection until it has been determined by a careful ante-mortem inspection that no anthrax infected livestock remains in the lot.

(c) Apparently healthy livestock (other than hogs) from a lot in which anthrax is detected, and any apparently healthy livestock which have been treated with anthrax biologicals which do not contain living anthrax organisms, may be slaughtered and presented for post-mortem inspection if they have been held not less than 21 days following the last treatment or the last death of any livestock in the lot. Alternatively, if desired, all apparently healthy livestock of the lot may be segregated and held for treatment by a State licensed veterinarian under supervision of a Program employee or other official designated by the area supervisor. No anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

(d) Livestock which have been injected with anthrax vaccines (live organisms) within 6 weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante-mortem inspection, or such animals may be held under supervision of a Program employee or other official designated by the area supervisor until the expiration of the 6-week period and the disappearance of any evidence of reaction to the treatment.

(e) When livestock are found on ante-mortem inspection to be affected with anthrax, all exposed livestock pens and driveways of the official establishment shall be cleaned and disinfected by promptly and thoroughly removing and burning all straw, litter, and manure. This shall be followed immediately by a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of

sodium hydroxide or commercial lye prepared as outlined in § 310.9(e)(1) of this subchapter, or other disinfectant that may be approved in specific cases by the Administrator specifically for this purpose.

§ 309.8 Cattle affected with anasarca and generalized edema.

All cattle found on ante-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.9 Swine erysipelas.

All hogs plainly showing on ante-mortem inspection that they are affected with acute swine erysipelas shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.10 Onset of parturition.

Any livestock showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the animal is otherwise acceptable.

§ 309.11 Vaccine livestock.

Vaccine livestock with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

§ 309.12 Emergency slaughter; inspection prior to.

In all cases of emergency slaughter, except as provided in § 311.27 of this subchapter, the animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the inspector in charge so that such inspection may be made.

§ 309.13 Disposition of condemned livestock.

(a) Except as otherwise provided in this part, livestock identified as U.S. Condemned shall be killed by the official establishment, if not already dead. Such animals shall not be taken into the official establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in Part 314 of this subchapter. The official U.S. Condemned tag shall not be removed from, but shall remain on the carcass until it goes into the tank, or is otherwise disposed of as prescribed in Part 314 of this subchapter, at which time such tag may be removed by a Program employee only. The number of such tag shall be reported to the veterinary medical officer by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass.

administered by an Animal and Plant Health Inspection Service, State, or accredited veterinarian¹ is found free of tuberculosis lesions during post-mortem inspection.

(d) Portions of carcasses and carcasses of cattle passed for cooking.

(1) When a cattle carcass reveals a tuberculosis lesion or lesions not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(2) When the carcass of a cattle identified as a reactor to a tuberculin test administered by an Animal and Plant Health Inspection Service, State, or accredited veterinarian is found free of lesions of tuberculosis, the carcass may be passed for cooking in accordance with Part 315 of this chapter.

(e) Portions of carcasses and carcasses of swine passed without restriction for human food. Swine carcasses found free of tuberculosis lesions during post-mortem inspection may be passed for human food without restriction. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the carcass may be passed for human food without restriction after the affected organ or other part is condemned.

(f) Portions of carcasses of swine passed for cooking. When the carcass of any swine reveals lesions more severe or more numerous than those described in paragraph (e) of this section, but not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portions of such carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(g) Carcasses of sheep, goats, and equines passed without restriction for human food. Carcasses of sheep, goats, and equines may be passed without restriction for human food only if found free of tuberculosis lesions during post-mortem inspection.

(h) Portions of carcasses of sheep, goats, and equines passed for cooking. If a carcass of any sheep, goat, or equine reveals a tuberculosis lesion or lesions that are not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

§ 311.3 Hog cholera.

(a) The carcasses of all hogs affected with hog cholera shall be condemned.

(b) Inconclusive but suspicious symptoms of hog cholera observed during the ante-mortem inspection of a U.S. suspect shall be duly considered in

¹ Such testing is conducted in the tuberculosis eradication program of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. Change 75-7

connection with post-mortem findings and when the carcass of such a suspect shows lesions in the kidneys and the lymph nodes which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) When lesions resembling those of hog cholera occur in kidneys and lymph nodes of carcasses of hogs which appeared normal on ante-mortem inspection, further inspection of such carcasses shall be made for corroborative lesions. If on such further inspection, characteristic lesions of hog cholera are found in some organ or tissue in addition to those in the kidneys or in the lymph nodes or in both, then all lesions shall be regarded
* as those of hog cholera and the carcass shall be condemned. Immediate *
* notification shall be given by the inspector to the official in the Veterinary *
* Services unit of the Animal and Plant Health Inspection Service who has *
* responsibility for control of swine diseases in the State where the swine are *
* located. *

§ 311.4 Carcasses of swine injected with hog cholera virus.

(a) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

(b) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

§ 311.5 Swine erysipelas.

Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

§ 311.6 Diamond-skin disease.

Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for human food after removal and condemnation of the affected parts, provided such carcasses are otherwise healthy.

§ 311.7 Arthritis.

(a) Carcasses affected with arthritis which is localized and not associated with systemic change may be passed for human food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat which is passed, a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis shall be condemned when there is evidence of system involvement.

§ 311.8 Cattle carcasses affected with anasarca or generalized edema.

(a) Carcasses of cattle found on post-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

PART 330-[RESERVED]

PART 331-SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES;
AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH
AND FOR SUCH DESIGNATED ESTABLISHMENTS

AUTHORITY: The provisions of this Part 331 issued under secs. 21, 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

SOURCE: The provisions of this Part 331 appear at 35 F.R. 1967, Dec. 29, 1970, unless otherwise noted.

§ 331.1 Definition of "State".

For purposes of this Part, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

§ 331.2 Designation of States under paragraph 301(c) of the Act.

- * Each of the following States has been designated, under paragraph 301(c) of *
- * the Act, as a State in which the provisions of Titles I and IV of the Act *
- * shall apply to operations and transactions wholly within such State. The *
- * Federal provisions apply, effective on the dates shown below: *

Effective date of application
of Federal provisions

* Colorado.....	July 1, 1975	*
Guam.....	January 21, 1972	
Kentucky.....	January 14, 1972	
Minnesota.....	May 16, 1971	
Missouri.....	August 18, 1972	
Montana.....	April 27, 1971	
Nebraska.....	October 1, 1971	
Nevada.....	July 1, 1973	
* New Jersey.....	July 1, 1975	*
* New York.....	July 16, 1975	*
North Dakota.....	June 22, 1970	
Oregon.....	July 1, 1972	
Pennsylvania.....	July 17, 1972	
Puerto Rico.....	June 18, 1971	
Virgin Islands.....	November 27, 1971	
Washington.....	June 1, 1973	

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 302.1(a)(2) of this subchapter, shall obtain approval of plant drawings as specified in § 304.2 of this subchapter within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations in this subchapter.

(c) Section 308.4 of this subchapter shall apply to such establishments, except that separate toilet rooms for men and women workers will not be

required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house drainage lines to a point outside the buildings will not be required in existing construction when positive acting back-flow devices are installed.

(d) Section 314.2 of this subchapter shall apply to such establishments, except that a separate room or compartment need not be provided for inedible products if they can be handled so that they do not create insanitary conditions in any room or compartment used for edible products or otherwise render any edible products adulterated and do not interfere with the conduct of inspection. For example, intestines, paunch contents, feet, and hides might be accumulated on the kill floor in clean, watertight drums with close fitting covers if there is sufficient space to store them out of the way until the close of the day's operation.

(e) Sections 316.7, 317.3, and 317.4 of this subchapter shall apply to such establishments, except as provided in this paragraph (e).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the circuit supervisor of the circuit in which the establishment is located. Temporary approval, pending formal approval under §§ 316.7, 317.3, and 317.4 of this subchapter, will be granted by the circuit supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 1(n) of the Act.

(2) The circuit supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Washington, D.C. office of the Labels and Packaging Staff and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the circuit supervisor (showing any modifications required by the circuit supervisor) to the Labels and Packaging Staff, Meat and Poultry Inspection, Animal and Plant Health Inspection Service, USDA, Washington, D.C. 20250, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the circuit supervisor must receive approval as required by §§ 316.7, 317.3, and 317.4, of this subchapter or their use must be discontinued.

(4) The circuit supervisor will also review all shipping containers to insure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of self-destructive pressure sensitive tape or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of this subchapter must be destroyed or removed from the official establishment.

(f) Sections 320.1, 320.2, 320.3, 320.4, 320.5, 325.20, and 325.21 apply to operations and transactions not in or for commerce in a State designated under paragraph 301(c) only if the State is also designated under section 205 of the Act and if such provisions are applicable as shown in § 331.6 of this part.

(g) Paragraph 321.1(a) of this subchapter will not apply to States designated under paragraph 301(c) of the Act.

(h) Parts 322 and 327 and §§ 325.3 and 325.12 of this subchapter relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce.

(i) Part 325 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter and to operations and transactions solely in or for intrastate commerce, except as provided in paragraphs (h) and (j) of this section.

(j) Sections 325.4, 325.15, and 325.1(b) of this subchapter will not apply to require a certificate, or evidence thereof, for the distribution solely within any designated State of products that are U.S. inspected and passed and so marked.

§ 331.4 Control and disposal of nonfederally inspected products in States designated under paragraph 301(c) of the Act.

Upon the effective date of designation of a State under paragraph 301(c) of the Act, no products can be prepared within the State unless they are prepared under inspection pursuant to the regulations in this subchapter or are exempted from the requirement of inspection under § 303.1 of this subchapter, and no unexempted products which were prepared without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, products which were prepared and inspected and passed under the supervision of a responsible State or local inspection agency can be distributed solely within the State, provided they are not adulterated or misbranded, except that the official inspection legend is not required. Within the 90-day period, products that have been inspected by the State or local inspection agency may be further prepared and otherwise handled in official establishments required to have inspection under § 302.1(a)(2) of this subchapter or at establishments exempted from the requirements of such inspection under § 303.1 of this subchapter, and may be distributed as provided in this section but otherwise shall be handled in accordance with § 305.4 of this subchapter. Such products shall not bear any [Federal] official inspection legends. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 303.1 of this subchapter.

§ 331.5 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of products; application of regulations.

(a) An establishment preparing products solely for distribution within any State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any meat or meat food product prepared at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(3) Thereafter the Program inspector shall survy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a disease transmissible to humans and its condemnation would be required under Part 309 or 310 of the Federal meat inspection regulations (9 CFR Parts 309, 310) at federally inspected establishments; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected establishments); or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example if insects or vermin are not effectively controlled at the establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by a Program inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject, to the provisions of titles I and IV of the Act as though engaged in commerce.

(3) Thereafter the Program inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with Part 329 of this subchapter: Provided, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of Act and Regulations	Classes of Operators	State	Effective Date of Designation	
* Act, 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or pre- paring, freezing, packaging or labeling, any livestock car- casses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, whole- saler or otherwise), transporting or storing any live- stock carcasses or parts or products	Colorado	7-1-75	*
		Kentucky	4-18-73	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	*
		New York	7-16-75	*
		North Dakota	7-23-73	
* *		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Washington	1-31-75	

thereof; or (3)
business as a
renderer, or in the
business of buying,
selling, or trans-
porting any dead,
dying, disabled, or
diseased livestock
or parts of carcasses
of any livestock that
died otherwise than
by slaughter.

* Act, 203; § 320.5.

Persons engaged (not	Colorado	7-1-75	*
in or for commerce)	Kentucky	4-18-73	
in business as a	Minnesota	1-31-75	
meat broker; renderer;	Missouri	1-31-75	
animal food manu-	Montana	1-31-75	
facturer; whole-	Nebraska	1-31-75	
saler or public	Nevada	1-31-75	
warehouseman of	New Jersey	7-1-75	*
livestock car-	New York	7-16-75	*
casses, or parts or	North Dakota	7-23-73	
products thereof;	Oregon	1-31-75	
or buying, selling,	Pennsylvania	5-2-74	
or transporting any	Washington	1-31-75	
dead, dying, disabled,			
or diseased live-			
stock, or parts			
of carcasses of any			
such livestock that			
died otherwise than			
by slaughter.			

Act, 204; §§ 325.20
and 325.21.

Persons engaged (not	Kentucky	4-18-73	
in or for commerce)	Minnesota	1-31-75	
in the business of	Montana	1-31-75	
buying, selling or	Nevada	1-31-75	
transporting any	New Jersey	7-1-75	*
dead, dying, dis-	New York	7-16-75	*
abled or diseased	North Dakota	7-23-73	
animals, or parts	Oregon	1-31-75	
of carcasses of	Pennsylvania	5-2-74	
any animals that	Washington	1-31-75	
died otherwise			
than by slaughter.			

PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS
UNDER THE FEDERAL MEAT INSPECTION ACT

AUTHORITY: The provisions of this Part 335 issued under Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 F.R. 28464, 28477.

Subpart A - General

* § 335.1 Meaning of words.

* As used in this part, words in the singular form shall be deemed to import
* the plural, and vice versa, as the case may require.

* § 335.2 Definitions.

* As used in this part, the terms as defined in section 1 of the Act
* (21 U.S.C. 601) shall apply with equal force and effect. In addition and
* except as may be provided otherwise in this part:

* (a) "Act" means the Federal Meat Inspection Act, as amended by the
* Wholesome Meat Act (21 U.S.C. 601 et seq.).

* (b) "regulations" means the regulations promulgated pursuant to the Act
* (9 CFR 301.1 et seq.).

* (c) "hearing" means that part of the proceeding which involves the
* submission of evidence and means either an oral or written hearing.

* (d) "moving paper" means any formal complaint or other document by virtue
* of which a proceeding under the Act is instituted.

* (e) "complainant" means the party upon whose moving paper the proceeding
* is instituted.

* (f) "respondent" means the party proceeded against.

* (g) "Secretary" means the Secretary of Agriculture, United States
* Department of Agriculture, or any officer or employee to whom authority has
* heretofore been delegated, or to whom authority may hereafter be delegated, to
* act in his stead.

* (h) "Hearing Clerk" means the Hearing Clerk, United States Department of
* Agriculture, Washington, D.C. 20250.

* (i) "Judge" means any Administrative Law Judge appointed pursuant to
* 5 U.S.C. 3105 (the Administrative Procedure Act) and assigned to the proceeding
* involved.

* (j) "Administrator" means the Administrator, Animal and Plant Health
* Inspection Service, United States Department of Agriculture, or any officer or
* employee to whom authority has heretofore been delegated, or to whom authority
* may hereafter be delegated, to act in his stead in connection with the function
* involved.

* (k) "decision" means the Judge's initial decision made in accordance with
* the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (1) findings
* of fact and conclusions with respect to all material issues of fact, law or
* discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings
* on proposed findings, conclusions and orders submitted by the parties.

* § 335.3 Scope and applicability of this part.

* The rules of practice in this part shall be applicable to the procedure
* governing proceedings and summary action for the refusal, withdrawal or
* suspension of inspection service with respect to any applicant or recipient of
* such service under Title I of the Act.

Number of persons of same sex:	Minimum number of facilities
1 to 9.....	1.
10 to 24.....	2.
25 to 49.....	3.
50 to 74.....	4.
75 to 100.....	5.
Over 100.....	1 for each additional 30 persons.

Where 10 or more are employed, urinals may be substituted for the toilet bowls specified in the foregoing formula, except that the number of toilet bowls in such cases may not be reduced to less than two-thirds of the number specified. Two feet of trough urinal shall be considered as equivalent to one individual urinal.

(i) Suitable sanitary drinking water facilities shall be provided.

(j) All toilets, lavatories, and other sanitary facilities shall be kept clean and in good repair.

§ 381.52 Lighting and ventilation.

(a) There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(b) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 30 foot-candles of light intensity on all working surfaces, except that at the inspection stations such light intensity shall be of 50 foot-candles. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor.

(c) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

§ 381.53 Equipment and utensils.

- * (a)(1) Equipment and utensils used for processing or otherwise handling *
 * any edible poultry product or ingredient thereof, in any official establishment *
 * shall be of such material and construction as, in the judgment of the Adminis- *
 * trator, will facilitate their thorough cleaning and insure cleanliness in the *
 * preparation and handling of all edible poultry products and otherwise avoid *
 * adulteration and misbranding of such products. In addition to these require- *
 * ments, equipment and utensils shall not in any way interfere with or impede *
 * inspection procedures. Receptacles used for handling inedible products shall *
 * be of such material and construction that, in the judgment of the Administrator, *
 * their use will not result in adulteration of any edible product or in insani- *
 * tary conditions at the establishment, and they shall bear conspicuous and *
 * distinctive marking to identify them as only for such use and shall not be used *
 * for handling any edible poultry products. *
- * (2) When equipment or utensils for use in preparing or handling product *
 * are proposed for use in an official establishment, the operator of the estab- *
 * lishment shall so notify the Administrator, and thereafter shall submit to the *
 * Administrator such information as the Administrator specifies in each case as *
 * necessary to determine whether the equipment or utensils meet the criteria *

* specified in paragraph (a)(1) of this section. The required information shall *
* include, but may not be limited to, assembly type drawings, and a list showing *
* the materials of which parts are made. The Administrator will evaluate the *
* model of equipment or utensil and determine whether it is acceptable for its *
* proposed use under the criteria set forth in paragraph (a)(1) of this section. *

* (3) The Administrator will, from time to time, prepare a listing by name *
* and model number of equipment and utensils that have been evaluated and found *
* to be acceptable for their proposed use in accordance with this section. A *
* copy of such listing can be obtained from Technical Services, Meat and Poultry *
* Inspection Program, Animal and Plant Health Inspection Service, U.S. Department *
* of Agriculture, Washington, D.C. 20250. *

* (4) The Administrator may disapprove for use in official establishments *
* particular models of equipment or utensils that he finds do not meet the *
* requirements of paragraph (a)(1) of this section, or that he cannot evaluate *
* because of lack of sufficient information. Further, he may prescribe such *
* conditions for the use of particular models of equipment or utensils, either on *
* a trial or permanent basis, as he finds necessary to prevent adulteration or *
* misbranding of product. *

* (5) Nothing in this section shall affect the authority of Inspection *
* Service inspectors to reject specific equipment or utensils under § 381.99 of *
* the regulations in this subchapter. *

* (b) Before approval of any model or specific item of equipment or utensil *
* is finally denied, or is granted only with conditions, the applicant shall be *
* given notice and opportunity to present his views to the Administrator. If the *
* applicant does not accept the Administrator's determination, a hearing before *
* the Administrator will be held to resolve such dispute. This shall not pre- *
* clude rejection of the equipment or utensils under § 381.99 or this section *
* pending the outcome of the presentation of views or hearing. *

(c) Refuse containers. Leakproof refuse containers with covers shall be provided, except that perforated containers may be used for the temporary collection of feathers and such containers need not be covered.

(d) Scalding equipment. (1) Scalding tanks shall be constructed and installed so as to prevent contamination of potable water lines and to permit water to enter continuously at a rate which will result in a sanitary scalding operation. The rate of flow necessary to maintain a sanitary scalding operation will be determined on such factors as the class of poultry and the number of birds per minute going into the scalding tank. It shall be the responsibility of the inspector in charge to establish a minimum rate of flow for each scalding tank in each official establishment.

(2) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(3) The overflow, drawoff valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in proximity to a floor or valley drain.

(e) Wax finishing. When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(f) Ice shovels. Ice shovels shall be smooth surfaced and entirely constructed of rustproof, impervious material.

(g) Conveyors. (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit easy identification of the viscera with their carcass and so

designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(2) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Nonmetallic belt-type conveyors used in moving poultry products shall be of waterproof composition.

(4) When eviscerated on a conveyor, each carcass shall be suspended and a trough or other acceptable facilities for maintaining proper sanitation shall be provided beneath the conveyor. Such troughs or other facilities shall be flushed or cleaned in an acceptable manner and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

(h) Chilling and thawing tanks. Chilling and thawing tanks shall be constructed of metal or other suitable material impervious to moisture and shall be of sanitary construction with edges rolled outward. Where mechanical devices are not used for removing carcasses from the chilling or thawing tanks, the tanks shall be of a size that will enable employees to remove poultry without entering the tanks.

(i) Tables. Inspection, eviscerating, and cutting tables shall be made of metal or other acceptable material, have coved corners, and be constructed and placed so as to permit thorough cleaning.

(j) Plants lacking conveyors. In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction or in a tray of other acceptable material and construction.

(k) Water spray washing equipment. Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(l) Offal receptacles. Watertight receptacles constructed of metal or other acceptable impervious material shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(m) Receptacles for condemned carcasses. Watertight receptacles for holding or handling condemned carcasses or parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such receptacles shall be marked in a conspicuous manner with the words "U.S. Condemned" in letters not less than 2 inches high and when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

§ 381.54 Accessibility of equipment.

(a) General. All equipment shall be placed so as to be readily accessible for all processing and cleaning operations.

(b) Mechanical pickers. When mechanical pickers are used, they shall be installed so as to be accessible for thorough cleaning and removal of the accumulation of feathers.

§ 381.55 Restrictions on use of equipment and utensils.

Equipment and utensils used in the official establishment shall not be used outside the official establishment, except under conditions prescribed or approved by the Administrator in specific cases. Equipment used in the preparation of any article (including, but not limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the Administrator in specific cases.

§ 381.56 Maintenance of sanitary conditions and precautions against contamination of poultry products.

The premises of the official establishment shall be kept free from refuse, waste materials, and all other sources of odors and conditions that may result in adulteration of the poultry products handled at the establishment.

§ 381.57 Cleaning of rooms and compartments.

Rooms, compartments, and other parts of the official establishment shall be kept clean and in sanitary condition and good repair.

§ 381.58 Cleaning of equipment and utensils.

(a) Equipment and utensils used for processing or otherwise handling any poultry or poultry product shall be kept clean, sanitary, and in good repair.

(b) Batteries and dropping pans shall be cleaned regularly and the manure removed from the official establishment daily.

(c) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary, but not less frequently than once a day when in use.

(d) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned at least once daily when in use.

(e) The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(f) Chilling or thawing tanks shall be emptied after each use. They shall be thoroughly cleaned at least once daily when in use, except that when the same poultry is held therein in excess of 24 hours, the tanks shall be thoroughly cleaned after the poultry is removed therefrom and prior to reuse.

(g) Conveyor trays or belts which come in contact with raw poultry products shall be completely washed and sanitized after each use.

(h) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the processing of poultry products shall, after cleaning, be drained on racks and trays and pans shall not be nested.

§ 381.59 Vermin.

Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official establishment. Dogs, cats, and other pets shall be excluded from rooms where dressed poultry or other poultry products are processed, handled, or stored.

§ 381.60 Use of compounds.

Germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds may be used in an official establishment only if they will not deleteriously affect the poultry or poultry products therein and have been approved by the Administrator. Such compounds shall be used only in a manner satisfactory to the Administrator. Such compounds shall be approved, for the purpose of the Act only upon application and in accordance with the following procedure:

(a) The manufacturer or user of the compound, or any other interested person, shall submit to the Administrator the following data:

(1) The formula of the compound, listing each ingredient and the percentage of each ingredient in terms of weight or liquid measure, if the product is a liquid, and in terms of weight, if it is solid or semisolid, viscous, or a mixture of liquid and solids. The ingredients must be stated in terms of the well-known common names of the ingredients or if an ingredient has no common name, the correct chemical name. However, in the case of any compound subject to the Federal Insecticide, Fungicide, and Rodenticide Act, a statement of the composition of the compound as required for registration under that Act shall be submitted in lieu of the data otherwise required by this subparagraph.

(2) A certification by the applicant that the compound as it is proposed to be used in the official establishment will not deleteriously affect the poultry or poultry products therein. The certification shall include the conditions under which the particular compound is believed to be satisfactory

located when so detained, until released by an authorized representative of the Secretary: Provided, That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement. When the detention of such article is terminated, the owner, his agent, or the carrier or other person having custody of the article who was notified when the article was detained will receive notification of the termination. The notification "Notice of Termination of Detention" (Form MP-487)¹ shall be served either by delivering the notice to the person originally notified, or by certifying and mailing the notification addressed to such person, at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

- (a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or
- (b) Is capable of use as human food and is adulterated or misbranded; or
- (c) In any other way is in violation of the Act.

§ 381.216 Procedure for judicial seizure, condemnation, and disposition.

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

§ 381.217 Authority for condemnation or seizure under other provisions of law.

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

¹ Copy filed with the Office of the Federal Register as part of the original document.

§ 381.218 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

Subpart V-Special Provisions for Designated States and Territories;
Criteria and Procedure for Designating Establishments With
Operations Which Would Clearly Endanger the Public Health;
Disposition of Poultry Products Therein

§ 381.220 Definition of "State".

For purposes of this subpart, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

States	Effective date of application of Federal provisions	
Arkansas.....	Jan. 2, 1971.	
Colorado.....	Jan. 2, 1971.	
Georgia.....	Jan. 2, 1971.	
Guam.....	Jan. 21, 1972.	
Idaho.....	Jan. 2, 1971.	
Kentucky.....	July 28, 1971.	
Maine.....	Jan. 2, 1971.	
Michigan.....	Jan. 2, 1971.	
Minnesota.....	Jan. 2, 1971.	
Missouri.....	Aug. 18, 1972.	
Montana.....	Jan. 2, 1971.	
Nebraska.....	July 28, 1971.	
Nevada.....	July 1, 1973.	
* New Jersey.....	July 1, 1975.	*
North Dakota.....	Jan. 2, 1971.	
Oregon.....	Jan. 2, 1971.	
Pennsylvania.....	Oct. 31, 1971.	
Puerto Rico.....	Jan. 17, 1972.	
South Dakota.....	Jan. 2, 1971.	
Utah.....	Jan. 2, 1971.	
Virgin Islands.....	Nov. 27, 1971.	
Washington.....	June 1, 1973.	
West Virginia.....	Jan. 2, 1971.	

misbranded, except that the official inspection legend shall not be used. Such products may not enter official establishments. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 381.10.

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 11 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Paragraphs of act and regulations	Classes of operators	State	Effective date	
* Act, 11(b); §§ 381.175-381.178	Persons engaged (not in or for commerce) in (1) the business of slaughtering any poultry or processing, freezing, packaging, or labeling any poultry carcasses, or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a poultry prod- ucts broker, whole- saler, or otherwise), transporting or storing any poultry carcasses, or parts or products thereof; or (3) business as a renderer or in the business of buying, selling, or trans- porting any dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	Colorado	7-1-75	*
		Kentucky	4-18-73	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		Oregon	1-31-75	
		Pennsylvania	5-2-74	
		Washington	1-31-75	
* Act, 11(c); § 381.179	Persons engaged (not in or for commerce) in business as a poultry products	Colorado	7-1-75	*
		Kentucky	4-18-73	
		Minnesota	1-31-75	
		Missouri	1-31-75	

broker; renderer;	Montana	1-31-75
animal food manu-	Nebraska	1-31-75
facturer; whole-	Nevada	1-31-75
saler or public	New Jersey	7-1-75
warehouseman of	New York	7-16-75
poultry carcasses,	North Dakota	7-23-73
or parts or prod-	Oregon	1-31-75
ucts thereof; or	Pennsylvania	5-2-74
buying, selling,	Washington	1-31-75
or transporting		
dead, dying,		
disabled, or		
diseased poul-		
try or parts of		
carcasses of any		
poultry that died		
otherwise than by		
slaughter.		

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Act, 11(d).....

§ 381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

(a) An establishment in any State not listed in § 381.221 that is preparing poultry products solely for distribution within such State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any poultry product processed at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food (for example, it was prepared from a poultry carcass or other ingredients exhibiting spoilage characteristics); or it is, or was prepared from, a poultry carcass which would be required to be condemned under Subpart K at official establishments; or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example, if insects or vermin are not effectively controlled at the establishment, or insanitary water is used in preparing poultry products for human food); or

(iv) It is, in whole or in part, the product of poultry that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and